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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,280	10/16/2001	Stefan Wahl	Q66453	2065

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EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT PAPER NUMBER

2665

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/977,280	Applicant(s) WAHL ET AL.	
	Examiner Phuongchau Ba Nguyen	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,6,7,9,11 and 14 is/are allowed.
- 6) ☒ Claim(s) 15 is/are rejected.
- 7) ☒ Claim(s) 1-3,5,8,10,12,13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-16-01</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claims 1-3, 5, 8, 10, 12, 13, 15 are objected to because of the following informalities:

-Claim 1, line 2,

“.” should be deleted, because “.” for indicating a list of items, which
claim 1 is lack of.

-Claim 2, line 2,

“HFC” should be changed to ---Hybrid Fibre Coax (HFC)---

-Claim 3, line 1,

“.” should be deleted, because “.” for indicating a list of items, which
claim 3 is lack of.

-Claim 5, line 2,

“assignment” should be changed to ---assignment---

-Claim 8, line 2,

“decription” should be changed to ---decryption---

-Claim 10, line 2,

“performed” should be changed to ---performed---

-Claim 12, line 2,

“predifined” should be changed to ---predefined---

-Claim 13, line 2,

“perform” should be changed to ---perform---

-Claim 15, line 3,

“said program” should be changed to ---said computer program---

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Constantinof (6,822,961) in view of Morris (6,275,493).

Constantinof discloses Method and Apparatus for Reduction of Call Setup Rate in an ATM Network. In Constantinof, the call manager 38-Figs.1-2 has an interface to the ATM network 2-Fig.2 to permit call setup and bandwidth in the ATM network. Further, the cache management controls the use of SVC resource and balance the use of bandwidth and switching resources, see column 5, line 33 to column 6, line 33. In Constantinof, the master cache pool manager 39-Fig.2 determines which SVC will be used for any particular connection request and determines when new SVCs will be added to a cache pool or deleted from the cache pool, see column 2, lines 50-58. In other words, the system of Constantinof provides dynamically adjustable ATM Switched Virtual Connections-SVCs (corresponding to *means for adapted to perform ATM signalling and resource management to provide dynamically adjustable ATM switched virtual connections (SVC)*).

Constantinof does not explicitly disclose (1) that *a computer program code means* for providing dynamically adjustable ATM Switched Virtual Connections-SVCs when the program is run on a computer.

Morris discloses Method and Apparatus for Caching Switched Virtual Circuits in an ATM network. In Morris, monitoring SVC usage and adding SVCs to or removing SVCs from is managed by software, see column 5, lines 31-45 and also see column 4, lines 13-22 (corresponding to (1)).

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Constantinof and Morris are analogous art because they are from a similar problem solving area, to use the cache Switched Virtual Circuits-SVCs to facilitate connection setup through the ATM network.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the computer program or software of Morris with Constantinof.

The suggestion/motivation for doing so would have been to ensure an appropriated number of cached SVCs are available for the rapid establishment of communication connections with the software program.

Therefore, it would have been obvious to combine Morris with Constantinof to obtain the invention as specified in claim 15.

Allowable Subject Matter

5. Claims 1-3, 5, 8, 10, 12, 13 are objected to but would be allowable if the objections set forth above are overcome.

6. Claims 4, 6, 7, 9, 11, 14 are allowed.

7. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-13, the prior art fails to teach or suggest an access control unit to interface one ATM core network and at least one bi-directional access network including "means to perform ATM signaling and resource management to provide

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dynamically adjustable ATM switched virtual connection (SVC) for subscribers connected to the access network," in combination with other limitations, as specified in the independent claim 1.

Regarding claim 14, the prior art fails to teach or suggest an access control unit to interface one ATM core network and at least one bi-directional access network, including "a processing unit programmed with a computer program to perform ATM signaling and resource management to provide dynamically adjustable ATM switched virtual connections (SVC) for subscribers connected to the access network," in combination with other limitations, as specified in the independent claim 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuongchau Ba Nguyen
Examiner
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